

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20544

In the Matter of)

Request for Review by Big River)

Telephone Company, LLC of)

Decision of Universal Service Administrator)

CC Docket No. 96-45

I, Gerard J. Howe, of lawful age and being duly sworn, state:

1. I am Gerard J. Howe, the CEO of Big River Telephone Company ("BIG RIVER"). My business address is 24 S. Minnesota Ave., Cape Girardeau, MO, 63703. In my capacity as CEO, I am responsible for the overall operations of BIG RIVER. I have over 26 years experience in the telecommunications industry, working for a number of telecommunications companies in various aspects of operations and finance. The purpose of this affidavit is to provide information supporting BIG RIVER's request for a review of our liability to the Universal Service Fund ("USF").

2. BIG RIVER was founded in May 2001 and began operations as a CLEC and Interexchange Carrier on December 21, 2001. As such, BIG RIVER is regulated by the state public service commissions in Missouri, Arkansas, Illinois, Kentucky, Alabama, Mississippi, and Indiana, as well as by the FCC.

3. BIG RIVER purchased the assets of LDD, Inc. ("LDD") on December 21, 2001 and began operations as a telecommunications carrier immediately upon the close of its acquisition.

4. Since BIG RIVER began operations, it has levied and collected USF fees from its customers, remitted the USF funds to the Universal Service Administrative Company ("USAC") on a monthly basis, and have filed the requisite quarterly and annual reports to USAC.

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List AB/DE

5. On March 20, 2002, BIG RIVER filed Form 499-A for the full year 2001, see Exhibit A, which included information for the period from January 1 through December 21, 2001, when LDD collected the USF fees, as well as information for the period of December 22 through December 31, 2001, when BIG RIVER collected the USF fees.

6. Upon USAC's review of the aforementioned 2001 Form 499-A, USAC notified BIG RIVER of an adjustment to 2001 USF fees of \$158,887.09, see Exhibit B. The entire adjustment amount calculated by USAC was for the period in which LDD operated and collected USF fees from its customers. BIG RIVER had accurately reported to USAC, BIG RIVER's revenue base for the period of December 22 through December 31, 2001, in its Form 499-Q filed in February 2002, see Exhibit C.

7. In 2002, after receipt of the adjustment amount from USAC, BIG RIVER advised USAC staff of LDD's responsibility for the adjustment. BIG RIVER further advised LDD of the adjustment in a letter dated September 10, 2002, see Exhibit D, wherein BIG RIVER pointed out LDD's responsibility for such adjustment, per the Purchase Agreement between LDD and BIG RIVER.

8. On or around October 27, 2003, BIG RIVER advised FCC staff of LDD's responsibility of the USAC liability and sought some relief for BIG RIVER from FCC's collection efforts. BIG RIVER memorialized this discussion in a letter dated November 3, 2003, see Exhibit E.


9. Upon direction received from FCC staff on or around November 4, 2003, BIG RIVER filed a written appeal of the adjustment to USAC on November 13, 2003, see Exhibit F. That appeal was denied March 5, 2004, wherein USAC advised that BIG RIVER could seek an appeal directly with the FCC, see Exhibit G.

10. On April 7, 2004, BIG RIVER filed its appeal of USAC's decision directly with the FCC, see Exhibit H. BIG RIVER was subsequently notified by the FCC on July

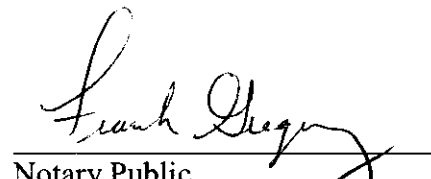
29, 2004 of an initial denial and request for "[a] full statement of relevant, material facts with supporting affidavits and documentation".

11. This concludes my affidavit.

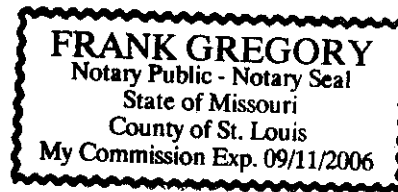
I declare under penalty of perjury that the foregoing is true and correct.


Gerard J. Howe

Sworn to and signed before me this 12th day of August, 2004.


Notary Public

My commission expires: 9/11/2006



2002 FCC Form 499-A Telecommunications Reporting Worksheet

Approval by OMB
3060-0855

>>> Please read instructions before completing. <<<

Annual Filing -- due April 1.

Block 1: Contributor Identification Information

During the year, carriers must refile Blocks 1, 2 and 6 if there are any changes in Lines 104 or 112. See instructions.

101 Filer 499 ID [If you don't know your number, contact the administrator at (973)-560-4460.

821170

If you are a new filer, leave blank and a Filer 499 ID will be assigned to you.]

102 Legal name of reporting entity

Big River Telephone Company, LLC

103 IRS employer identification number

43-1926991

104 Name telecommunications service provider is doing business as

Big River Telephone Company, LLC

105 Principal communications business [Check the one that best describes the reporting entity -- see directions. Check one box only.]

☐ CAP/CLEC

☐ Cellular/PCS/SMR (wireless telephony incl. by resale)

☐ Incumbent LEC

☒ Interexchange Carrier (IXC)

☐ Local Reseller

☐ Operator Service Provider (OSP)

☐ Paging & Messaging

☐ Payphone Service Provider

☐ Prepaid Card

☐ Private Service Provider

☐ Satellite Service Provider

☐ Shared-Tenant Service Provider / Building LEC

☐ SMR (dispatch)

☐ Toll Reseller

☐ Wireless Data

If Other Local, Other Mobile or Other Toll is checked,

☐ Other Local

☐ Other Mobile

☐ Other Toll

describe carrier type / services provided:

106 Holding company 2F(All affiliated companies must show the same name on this line.)

N/A

107 FCC Registration Number (FRN) [<https://svartifoss2.fcc.gov/cores/CoresHome.html>]
[For assistance, contact the CORES help desk at 877-480-3201 or CORES@fcc.gov]

0004-9882-18

108 Management company [if carrier is managed by another entity]

N/A

109 Complete mailing address of reporting entity
corporate headquarters

24 South Minnesota
PO Box 1608
Cape Girardeau, MO 63702-1608

110 Complete business address for customer inquiries and complaints
##

same

111 Telephone number for customer complaints and inquiries [Toll-free number if available]

1-800-455-1608

112 All trade names that you have used in the past 3 years in providing telecommunications
services. This should include all names by which you are identified on customer bills.

a Big River Telephone Company, LLC

g

b

h

c

i

d

j

e

k

f

l

m

Use an additional sheet if necessary. Each reporting entity must provide all names used for carrier activities.

PERSONS MAKING WILLFUL FALSE STATEMENTS IN THE WORKSHEET CAN BE PUNISHED BY FINE OR IMPRISONMENT UNDER TITLE 18 OF THE UNITED STATES CODE, 18 U.S.C. §1001

FCC Form 499-A
February 2002

Exhibit A
Affidavit of Gerard J. Howe

2002 FCC Form 499-A Telecommunications Reporting Worksheet

Page 2

Block 2-A: Regulatory Contact Information

201 Filer 499 ID [from Line 101]	821170
202 Legal name of reporting entity [from Line 102]	Big River Telephone Company, LLC
203 Person who completed this worksheet	Cathy Borst
204 Telephone number of this person	573/651-3373
205 Fax number of this person	573/651-3605
206 E-mail of this person	cborst@bigrivertelephone.com
207 Corporate office, attn. name, and mailing address to which future Telecommunications Reporting Worksheets should be sent	Big River Telephone Company, LLC Attn: Cathy Borst PO Box 1608, Cape Girardeau, MO 63702-1608
208 Billing address and billing contact person: [Plan administrators will send bills for contributions to this address. Please attach a written request for alternative billing arrangements.]	Big River Telephone Company, LLC Attn: Phillip Abbenhaus PO Box 1608 Cape Girardeau, MO 63702-1608

Block 2-B: Agent for Service of Process

All carriers must complete Lines 209 THROUGH 213

During the year, carriers must refile Blocks 1, 2 and 6 if there are any changes in this section. See Instructions.

209 D.C. Agent for Service of Process per 47 U.S.C. 413	Kevin D. Minsky
210 Telephone number of D.C. agent	202/424-7500
211 Fax number of D.C. agent	202/424-7645
212 E-mail of D.C. agent	kdminsky@swidlaw.com
213 Complete business address of D.C. agent for hand service of documents	Swidler Berlin Shereff Friedman, LLP 3000 K Street NW, Suite 300 Washington, DC 20007
214 Local/alternate Agent for Service of Process (optional)	N/A
215 Telephone number of local/alternate agent	N/A
216 Fax number of local/alternate agent	N/A
217 E-mail of local/alternate agent	N/A
218 Complete business address of local/alternate agent for hand service of documents	N/A

PERSONS MAKING WILLFUL FALSE STATEMENTS IN THE WORKSHEET CAN BE PUNISHED BY FINE OR IMPRISONMENT UNDER TITLE 18 OF THE UNITED STATES CODE, 18 U.S.C. §1001

FCC Form 499-A

February 2002

2002 FCC Form 499-A Telecommunications Reporting Worksheet

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Block 2-C: FCC Registration and Contact Information

Carriers must refile Blocks 1, 2 and 6
if there are any changes in this section. See Instructions.

219 Filer 499 ID [from Line 101]	821170
220 Legal name of reporting entity [from Line 102]	Big River Telephone Company, LLC
221 Chief Executive Officer (or, highest ranking company officer if the filing entity does not have a chief executive officer)	Gerard J. Howe
222 Business address of individual named on Line 221	check if same as Line 109 <input checked="" type="checkbox"/>
223 Second ranking company officer, such as Chairman, but not the individual listed on Line 221.	Phillip Abbenhaus
224 Business address of individual named on Line 223.	check if same as Line 109 <input checked="" type="checkbox"/>
225 Third ranking company officer, such as President or Secretary, but not either of the individuals listed on Lines 221 or 223.	Kevin Cantwell
226 Business address of individual named on Line 225.	check if same as Line 109 <input checked="" type="checkbox"/>

227 Indicate jurisdictions in which the filing entity provides telecommunications service. Include jurisdictions in which service was provided in the past 15 months and jurisdictions in which service is likely to be provided in the next 12 months.

<input checked="" type="checkbox"/> Alabama	<input type="checkbox"/> Guam	<input type="checkbox"/> Massachusetts	<input type="checkbox"/> New York	<input checked="" type="checkbox"/> Tennessee
<input type="checkbox"/> Alaska	<input type="checkbox"/> Hawaii	<input type="checkbox"/> Michigan	<input type="checkbox"/> North Carolina	<input type="checkbox"/> Texas
<input type="checkbox"/> American Samoa	<input type="checkbox"/> Idaho	<input type="checkbox"/> Midway Atoll	<input type="checkbox"/> North Dakota	<input type="checkbox"/> Utah
<input type="checkbox"/> Arizona	<input checked="" type="checkbox"/> Illinois	<input type="checkbox"/> Minnesota	<input type="checkbox"/> Northern Mariana Islands	<input type="checkbox"/> U.S. Virgin Islands
<input checked="" type="checkbox"/> Arkansas	<input checked="" type="checkbox"/> Indiana	<input checked="" type="checkbox"/> Mississippi	<input type="checkbox"/> Ohio	<input type="checkbox"/> Vermont
<input type="checkbox"/> California	<input type="checkbox"/> Iowa	<input checked="" type="checkbox"/> Missouri	<input type="checkbox"/> Oklahoma	<input type="checkbox"/> Virginia
<input type="checkbox"/> Colorado	<input type="checkbox"/> Johnston Atoll	<input type="checkbox"/> Montana	<input type="checkbox"/> Oregon	<input type="checkbox"/> Wake Island
<input type="checkbox"/> Connecticut	<input type="checkbox"/> Kansas	<input type="checkbox"/> Nebraska	<input type="checkbox"/> Pennsylvania	<input type="checkbox"/> Washington
<input type="checkbox"/> Delaware	<input checked="" type="checkbox"/> Kentucky	<input type="checkbox"/> Nevada	<input type="checkbox"/> Puerto Rico	<input type="checkbox"/> West Virginia
<input type="checkbox"/> District of Columbia	<input type="checkbox"/> Louisiana	<input type="checkbox"/> New Hampshire	<input type="checkbox"/> Rhode Island	<input type="checkbox"/> Wisconsin
<input type="checkbox"/> Florida	<input type="checkbox"/> Maine	<input type="checkbox"/> New Jersey	<input type="checkbox"/> South Carolina	<input type="checkbox"/> Wyoming
<input type="checkbox"/> Georgia	<input type="checkbox"/> Maryland	<input type="checkbox"/> New Mexico	<input type="checkbox"/> South Dakota	

PERSONS MAKING WILLFUL FALSE STATEMENTS IN THE WORKSHEET CAN BE PUNISHED BY FINE OR IMPRISONMENT UNDER TITLE 18 OF THE UNITED STATES CODE, 18 U.S.C. §1001

FCC Form 499-A
February 2002

2002 FCC Form 499-A Telecommunications Reporting Worksheet

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Sheet 3: Carrier's Carrier Name, Telephone

301	Filer ID (from Line 101)	821170				
302	Legal name of reporting entity (from Line 102)	Big River Telephone Company, LLC				
Report billed revenues for January 1 through December 31, 2001. Do not report any negative numbers. Dollar amounts may be rounded to the nearest thousand dollars. However, report all amounts as whole dollars.			Total Revenues	Breakouts		
			(a)	(b) If breakouts are not book amounts, enter whole percentage estimates.	(c) Interstate Revenues	(d) International Revenues
See instructions regarding Percent Interstate & International Revenues from Services Provided for Resale by Other Contributors to Federal Universal Service Support Mechanisms						
Fixed local services						
303	Monthly service, local calling, connection charges, vertical features, and other local exchange services including subscriber line and PLOCC charges to IXCs					
a Provided as unbundled network elements (UNEs)						
b Provided under other arrangements						
304	Per-minute charges for originating or terminating calls	N/A				
a Provided under state or federal access tariff						
b Provided as unbundled network elements or other connect arrangement						
305	Local private line & special access services	N/A				
306	Payphone compensation from toll carriers	N/A				
307	Other local telecommunications service revenues	N/A				
308	Universal service support revenues received from federal or state sources	N/A				
Mobile services (includes wireless, broadband, satellite, and other mobile services)						
309	Monthly, activation, and message charges except toll	N/A				
Toll services						
310	Operator and toll calls with alternative billing arrangements (credit card, collect, international call-back, etc.)	N/A				
311	Ordinary long distance (direct-dialed MTS, customer toll-free 800/888 service, "10-10" calls, associated monthly account maintenance, PLOCC pass-through, and other switched services not reported above)	N/A				
312	Long distance private line services	N/A				
313	Satellite services	N/A				
314	All other long distance services	N/A				

PERSONS MAKING WILLFUL FALSE STATEMENTS IN THE WORKSHEET CAN BE PUNISHED BY FINE OR IMPRISONMENT UNDER TITLE 18 OF THE UNITED STATES CODE, 18 U.S.C. §1001

2002 FCC Form 499-A Telecommunications Reporting Worksheet

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Block 4: End-User and Non-Telecommunications Revenue Information

401	Filer 499 ID [from Line 101]	821170			
402	Legal name of reporting entity [from Line 102]	Big River Telephone Company, LLC			
Report billed revenues for January 1 through December 31, 2001. Do not report any negative numbers. Dollar amounts may be rounded to the nearest thousand dollars. However, report all amounts as whole dollars. See instructions regarding percent interstate & international.					
Revenues from All Other Sources (end-user telecom. & non-telecom.)		Total Revenues	If breakouts are not book amounts, enter whole percentage estimates		Breakouts
		(a)	Interstate (b)	International (c)	Interstate Revenues (d) International Revenues (e)
403	Surcharges or other amounts on bills identified as recovering State or Federal universal service contributions	89,646			89,646 0
Fixed local services					
404	Monthly service, local calling, connection charges, vertical features, and other local exchange service charges except for federally tariffed subscriber line charges and PICC charges	2,374,228			0 0
405	PICC charges levied by a local exchange carrier on a no-PIC customer and Tariffed subscriber line charges	N/A			
406	Local private line and special access service	N/A			
407	Payphone coin revenues (local and long distance)	N/A			
408	Other local telecommunications service revenues	N/A			
Mobile services (including wireless telephony, paging & messaging, and other mobile services)					
409	Monthly and activation charges	N/A			
410	Message charges including roaming, but excluding toll charges	N/A			
Toll services					
411	Prepaid calling card (including card sales to customers and non-carrier distributors) reported at face value of cards	N/A			
412	International calls that both originate and terminate in foreign points	N/A	0%	100%	
413	Operator and toll calls with alternative billing arrangements (credit card, collect, international call-back, etc.) other than revenues reported on Line 412	N/A			
414	Ordinary long distance (direct-dialed MTS, customer toll-free 800/888 service, "10-10" calls, associated monthly account maintenance, PICC pass-through, and other switched services not reported above)	4,608,146			1,591,628 72,180
415	Long distance private line services	844,802	60%	0%	506,881 0
416	Satellite services	N/A			
417	All other long distance services	N/A			
418	Information services, inside wiring maintenance, billing and collection customer premises equipment, published directory, dark fiber, Internet access, cable TV program transmission, foreign carrier operations, and non-telecommunications revenues (See instructions.)	131,326			
419	Gross billed revenues from all sources (incl. reseller & non-telecom.) [Lines 303 through 314 plus Lines 403 through 418]	8,048,146			2,188,155 72,180
420	Universal service contribution bases [Lines 403 through 411 & Lines 413 through 417]	8,048,146			2,188,155 72,180

PERSONS MAKING WILLFUL FALSE STATEMENTS IN THE WORKSHEET CAN BE PUNISHED BY FINE OR IMPRISONMENT UNDER TITLE 18 OF THE UNITED STATES CODE, 18 U.S.C. §1001

FCC Form 499-A
February 2002

2002 FCC Form 499-A Telecommunications Reporting Worksheet

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Block 5: Additional Revenue Breakouts

501 Filer 499 ID [from Line 101]	821170
502 Legal name of reporting entity [from Line 102]	Big River Telephone Company, LLC

Most filers must contribute to LNP administration and must provide the percentages requested in Lines 503 through 510. Filing entities that use Line 603 to certify that they are exempt from this requirement need not provide this information.

Percentage of revenues reported in Block 3 and Block 4 billed in each region of the country. Round or estimate to nearest whole percentage. Enter 0 if no service was provided in the region.

			Block 3 Carrier's Carrier (a)	Block 4 End-User Telecom. (b)
503	Southeast:	Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, and U.S. Virgin Islands	%	20%
504	Western:	Alaska, Arizona, Colorado, Idaho, Iowa, Minnesota, Montana, Nebraska, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming	%	0%
505	West Coast:	California, Hawaii, Nevada, American Samoa, Guam, Johnston Atoll, Midway Atoll, Northern Mariana Islands, and Wake Island.	%	0%
506	Mid-Atlantic:	Delaware, District of Columbia, Maryland, New Jersey, Pennsylvania, Virginia, and West Virginia	%	0%
507	Mid-West:	Illinois, Indiana, Michigan, Ohio, and Wisconsin	%	8%
508	Northeast:	Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont	%	0%
509	Southwest:	Arkansas, Kansas, Missouri, Oklahoma, and Texas	%	72%
510	Total	[Percentages must add to 0 or 100.]	%	100%

511 Revenues from resellers that do not contribute to Universal Service support mechanisms are included in Block 4, Line 420 but may be excluded from a filer's TRS, NANPA, LNP, and FCC interstate telephone service provider regulatory fee contribution bases. To have these amounts excluded, the filer has the option of identifying such revenues below.

	(a)	(b)
	Total Revenues	Interstate and International
Revenues from resellers that do not contribute to Universal Service	\$ N/A	\$ N/A

PERSONS MAKING WILLFUL FALSE STATEMENTS IN THE WORKSHEET CAN BE PUNISHED BY FINE OR IMPRISONMENT UNDER TITLE 18 OF THE UNITED STATES CODE, 18 U.S.C. §1001

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February 2002

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Block 6: CERTIFICATION: to be signed by an officer of the filer

601 Filer 499 ID [from Line 101] 821170
602 Legal name of reporting entity [from Line 102] Big River Telephone Company, LLC

Section IV of the instructions provides information on which types of reporting entities are required to file for which purposes. Any entity claiming to be exempt from one or more contribution requirements should so certify below and attach an explanation. [The Universal Service Administrator will determine which entities meet the de minimis threshold based on information provided in Block 4, even if you fail to so certify, below.]

603 I certify that the reporting entity is exempt from contributing to:

Universal Service ☐TRS ☐ NANPA ☐LNP Administration ☐

Provide explanation below:

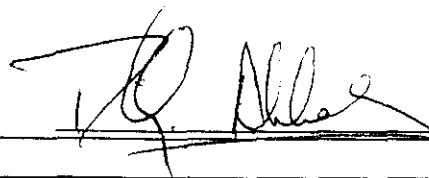
N/A

604 I certify that the revenue data contained herein are privileged and confidential and that public disclosure of such information would likely cause substantial harm to the competitive position of the company. I request nondisclosure of the revenue information contained herein pursuant to Sections 0.459, 52.17, 54.711 and 64.604 of the Commission's Rules.

☒

I certify that I am an officer of the above-named reporting entity, that I have examined the foregoing report and, to the best of my knowledge, information and belief, all statements of fact contained in this Worksheet are true and that said Worksheet is an accurate statement of the affairs of the above-named company for the previous calendar year. In addition, I swear, under penalty of perjury, that all requested identification registration information has been provided and is accurate.

605 Signature



606 Printed name of officer Phillip Abbenhaus
607 Position with reporting entity Chief Financial Officer
608 Date 3/20/2002

609 Check those that apply: ☒ Original April 1 filing for year ☐ New filer, registration only ☐ Revised filing with updated registration ☐ Revised filing with updated revenue data

Do not mail checks with this form. Send this form to: Form 499 c/o NECA, 80 South Jefferson Road, Whippany, New Jersey 07981

For additional information regarding this worksheet contact: Telecommunications Reporting Worksheet information: (973) 560-4460 or via e-mail: Form499@neca.org

PERSONS MAKING WILLFUL FALSE STATEMENTS IN THE WORKSHEET CAN BE PUNISHED BY FINE OR IMPRISONMENT UNDER TITLE 18 OF THE UNITED STATES CODE, 18 U.S.C. §1001

FCC Form 499-A
February 2002

USAC

Billing and Disbursement

Philip Abbenhaus
Big River Telephone Company, LLC
P.O. Box 1608
Cape Girardeau, MO 63701

July 22, 2002

Dear Filer #821170:

Your Universal Service Fund (USF) contributions for 2001 have been adjusted to account for differences between the revenue you reported on the April 2002 Form 499A and the revenue you reported on the four Form 499Q filings from May 2001-February 2002. Based on lines 420d and 420e of your 499A submission, your 2001 revenue was more than originally reported on lines 116b and 116c of your 499Q forms. As a result, your account will receive support mechanism adjustments totalling \$158,887.09.

Beginning with this month's statement of account, these adjustments will be applied to your USF invoice in three equal installments as follows:

SM Adjustments	July	August	September
High Cost	\$24,670.61	\$24,670.61	\$24,670.61
Low Income	\$6,464.59	\$6,464.59	\$6,464.59
Rural Health Care	\$302.79	\$302.79	\$302.79
Schools & Libraries	\$21,524.38	\$21,524.38	\$21,524.38
TOTAL	\$52,962.37	\$52,962.37	\$52,962.37

The exact amount of your total adjustment was determined using the following calculations:

499A Contribution Base		499Q Contribution Base	
	May 2001 499Q		\$0.00
	Aug. 2001 499Q		\$0.00
	Nov. 2001 499Q		\$0.00
	Feb. 2002 499Q		\$22,362.59
TOTAL	\$2,260,335.00	TOTAL	\$22,362.59

$$\frac{\$2,260,335.00}{(499A \text{ Base})} - \frac{\$22,362.59}{\text{Sum of 499Q Bases}} \times \frac{.070996}{\text{True-Up Factor}^*} = \frac{\$158,887.09}{\text{Total Adjustment}}$$

For any additional information on your account, please refer to your invoice statement dated July 22, 2002.

* The true-up factor is the average of the two highest FCC contribution factors during July 2001-June 2002, which were 069187 and .072805.

FCC Form 499-Q Telecommunications Reporting Worksheet

>>> Please read instructions before completing <<<

Approval by OMB
3060-0855**Block 1: Contributor Identification Information**

101

Filer 499 ID

821170

102 Legal name of reporting entity

Big River Telephone Company, LLC

103 IRS employer identification number

43-1926991

104 Name telecommunications service provider is doing business as

Big River Telephone Company, LLC

105 Holding company (All affiliated companies should show same name here)

106 FCC Registration Number (FRN)

107 Complete mailing address of reporting entity's corporate headquarters

24 South Minnesota

PO Box 1608

Cape Girardeau, MO 63701

Block 2: Contact Information

108 Person who completed this worksheet

Cathy Borst

109 Telephone number of this person

(573) - 651-3373

110 Fax number of this person

(573) - 651-3605

111 E-mail of this person

cborst@bigrivertelephone.com

112 Billing address and billing contact person:
(Bills for Universal Service contributions
will be sent to this address)

Philip Abbenhaus

24 South Minnesota

PO Box 1608

Cape Girardeau, MO 63702

Block 3: Contributor Revenue Information

113 Year of revenue information

2001

114 Indicate which quarterly filing this represents:

☐ First quarter filing (revenues for January 1 through March 31) due May 1
[Note, however, that the first quarter 2001 filing is due May 11, 2001.]☐ Second quarter filing (revenues for April 1 through June 30) due August 1☐ Third quarter filing (revenues for July 1 through September 30) due November 1☒ Fourth quarter filing (revenues for October 1 through December 31) due February 1
of the following calendar yearReport billed revenues with no allowance or deductions
for uncollectibles. See instructions.Total
Revenues
(a)Interstate
Revenues
(b)International
Revenues
(c)115 Revenues from telecommunications service provided to
other universal service contributors for resale

0.00

0.00

0.00

116 Universal service contribution base revenues

\$63,067.65

\$21,817.95

\$544.64

117 All other revenues

0.00

Column (b) and (c) not requested

118 Gross billed revenues from all sources [sum of above]

\$63,067.65

for lines 117 and 118

Block 4: CERTIFICATION: to be signed by an officer of the reporting entity119 I certify that the revenue data contained herein is privileged and confidential and that public disclosure of such information
would likely cause substantial harm to the competitive position of the company. I request nondisclosure of the revenue
information contained herein pursuant to sections 0.459, 52.17, 54.711 and 64.604 of the Commission's Rules. ☒I certify that I am an officer of the above-named reporting entity, that I have examined the foregoing report and to the best of my
knowledge, information and belief, all statements of fact contained in this Worksheet are true and that said Worksheet is an accurate
statement of the affairs of the above-named company for the previous calendar year.

120 Signature

121 Printed name of officer

Philip Abbenhaus

122 Position with reporting entity

Chief Financial Officer

123 Date

1/30/2002

124 This filing is:

☒ Original filing☐ Revised filing

[revisions due by next Form 499 filing date]

Do not mail checks with this form. Send this form to: Form 499 c/o NECA, 80 South Jefferson Road, Whippany, N.J. 07981

For additional information regarding this worksheet contact: Telecommunications Reporting Worksheet info: (973) 560-1400 or via e-mail: Form499@neca.org

PERSONS MAKING WILLFUL FALSE STATEMENTS IN THE WORKSHEET CAN BE PUNISHED BY FINE OR IMPRISONMENT UNDER TITLE 18 OF THE UNITED STATES CODE, 18 U.S.C. §1001

FCC Form 499-Q
March 2001



Big River Telephone Company, LLC

24 S. Minnesota • Cape Girardeau, MO 63703 • 800-455-1608

September 10, 2002

Via Certified Mail

Edward Eagleton
5730 Clinton
Paducah, KY 42001

Dear Ed,

We have received notice from the administrator of the Universal Service Fund (USAC) that LDD's contributions to the fund for 2001 were \$158,887.09 underfunded, see attached. In fact, LDD made no contributions to the fund in 2001. These liabilities were not reflected on the balance sheet and were not included in our previous adjustment to the working capital at the time of the closing of our acquisition of LDD's assets. Pursuant to our Purchase Agreement, these liabilities are the responsibility of LDD and need to be paid.

Mr. Eagleton, as you can understand, we have made no provisions for this liability and are requesting compensation from you in the total amount. We will remit to USAC and assume responsibility for the liability once we have received payment from you.

If you have any questions, please call me at (573) 651-3373.

Gerard J. Howe

Attachment

Cc: Rick Kuntze

BIG RIVER

24 S. Minnesota Ave. P.O. Box 1659 Cape Girardeau, MO 63702-1659 (573) 651-3373 (800) 455-1608

November 03, 2003

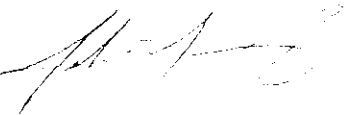
Federal Communications Commissions
Attn: Tisha Littleton
445 12th Street S.W., Room 1-A765
Washington, DC 20554

Dear Ms. Littleton:

Per our discussion on 10/27/2003, I am attaching a copy of our lawsuit with we have filed against the prior owner (ELE Inc. - LDD) for non-payment of his Universal Service Fee's to USAC for 2001. Big River Telephone Company, LLC (FRN# 004988218) purchased only the assets of ELE Inc. - LDD and did not purchase the debt. Although we did retain the filer ID for USF administration. We have attempted on multiple occasions to try to collect the funds from the prior owner and were unsuccessful. Unfortunately we had to file a lawsuit against the prior owner for this, as well as, other debts. Please see the attached filing paragraphs 47 - 49 pertaining to the USAC settlement. As soon as the settlement is reached the courts will determine who will pay USAC.

Today I e-mailed a copy of this document to arinquiries@fcc.gov per our discussion. We appreciate your patience with this process. If you have any further questions please feel free to contact me directly on my cell phone below.

Thank You



John Jennings
V.P. Controller
Big River Telephone Company, LLC
24 S. Minnesota
Cape Girardeau, MO 63703
Cell 314-651-6868

BIG RIVER

24 S. Minnesota Ave. P.O. Box 1659 Cape Girardeau, MO 63702-1659 (573) 651-3373 (800) 455-1608

November 13, 2003

Contributor Letter of Appeal
USAC
2000 L Street, NW
Suite 200
Washington, DC 20036

To Whom It May Concern:

The purpose of this letter is to "**appeal**" the adjustments of \$158,887.09 related to revenues for 2001 as presented to Big River Telephone Company, LLC (Filer #821170) per your letter dated July 22, 2002. Please see the attached letter.

We are disputing this charge since the debt is incumbent upon the prior owner, Long Distance Discount Inc. (Ed Eagleton, ELE Inc.) and not Big River Telephone Company LLC. Big River purchased the assets of Long Distance Discount on 12/21/2001 and this debt relates to revenues collected prior to the purchase. Big River did not purchase the liabilities of Long Distance Discount.

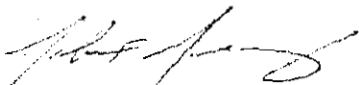
Big River Telephone filed the 499a for the revenue year of 2001 on behalf of Long Distance Discount which resulted in this adjustment. Big River Telephone has filed all required forms and has paid on a timely basis for all periods in which Big River Telephone was responsible for USF liabilities.

Big River Telephone has attempted on multiple occasions to get Long Distance Discount to pay USAC the amount they owe of \$158,887.09, but has been unsuccessful. Big River Telephone has recently filed a lawsuit against the prior owner, in part, to collect this debt directly from Long Distance Discount in order to pay USAC/FCC (\$47,371.18 remains with USAC and \$111,515.91 has been transferred to the Federal Communications Commissions (FCC)). The litigation is still pending.

In summary, we are appealing the adjustment of \$158,887.09 since it is the obligation of Long Distance Discount (ELE Inc.) and not Big River Telephone. Big River Telephone has paid USAC for USF that we owe.

If you have any questions regarding the contents of this letter please contact me as soon as possible.

Respectfully,



John Jennings
Vice President - Controller
24 S. Minnesota Ave.
Cape Girardeau, MO 63703
573-651-3373 Ext 119
314-651-6868
jjennings@bigrivertelephone.com

cc: Tim Peterson, Federal Communications Commission (FCC)



Universal Service Administrative Company

Administrator's Decision on Contributor Appeal

March 5, 2004

BY FEDERAL EXPRESS

John Jennings
Vice President – Controller
Big River Telephone Company
24 South Minnesota Avenue
Cape Girardeau, MO 63702-1659

Re: Big River Telephone Company (ID # 821170)

Dear Mr. Jennings:

The Universal Service Administrative Company (USAC or Administrator) has completed its evaluation of the appeal submitted on behalf of Big River Telephone Company (Big River) and dated November 13, 2003 (Appeal). Big River's Appeal concerns USAC's application of adjustments posted to Big River's account and reflected on its July, August, and September 2002 invoices.

Summary:

Big River's Appeal was untimely filed and must be denied. Nevertheless, the account adjustments that Big River questions (reflected on its July, August, and September 2002 invoices) were proper and correctly applied. As explained previously to representatives of Big River, because Big River acquired the assets of Long Distance Direct (LDD) in December 2001, Big River is responsible for reporting the combined 2001 revenue of Big River and LDD.

Factual Background:

FCC regulations require that an appeal of an Administrator's decision be filed within sixty (60) days.¹ USAC posted adjustments to Big River's account based on Big River's

¹ See 47 C.F.R. § 54.720.

John Jennings
Vice President – Controller
Big River Telephone Company
March 5, 2004
Page 2

submission in April 2002 of an FCC Form 499-A reporting 2001 annual revenue. USAC posted the adjustments being questioned by Big River on Big River's July, August, and September 2002 invoices, respectively. Big River's Appeal is dated November 13, 2003 -- over a year after the September 2002 invoice reflecting the last of the charges at issue.² Because Big River filed its Appeal after the FCC-established 60-day filing deadline, it is untimely.

Nevertheless, were USAC to consider the merits of Big River's Appeal, we would affirm our decision to apply the adjustments. Big River purchased the assets of LDD on December 12, 2001, and correctly reported LDD's revenue on its FCC Form 499-A. When a contributor purchases all of the assets of another contributor, the purchasing company must report the revenues of both companies on the next FCC Form 499-A filing. In this case, review of Big River's account demonstrates that the adjustments applied to Big River's account were properly applied and accurately reflect the reported revenue of the combined companies.

For the reasons set forth above, Big River's Appeal must be denied.

Explanation of Decision:

Because Big River's Appeal was untimely filed, the Appeal is denied.

Decision on Appeal: Denied.

USAC hereby denies Big River's Appeal.

If you disagree with USAC's response to your Appeal, you may file an appeal with the FCC. Your appeal must be **POSTMARKED** within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via the United States Postal Service, you should direct the appeal to:

Federal Communications Commission
Office of the Secretary
~~445 – 12th Street, SW~~
Room TW-A325
Washington, DC 20554

² USAC records do not contain an envelope bearing the postmark from Big River's Appeal. In instances where a postmark is illegible or unavailable, USAC determines the postmark date to be 5 business days or 7 calendar days prior to the date of the Appeal was received. In this case, USAC determined the postmark date to be November 6, 2003.

John Jennings
Vice President – Controller
Big River Telephone Company
March 5, 2004
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Documents sent by Federal Express or any other express mail should use the following address:

Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743
(8:00 A.M. – 5:30 P.M. ET)

For hand-delivered or messenger-delivered items, use the following address:

Federal Communications Commission
Office of the Secretary
236 Massachusetts Avenue, NE, Suite 110
Washington, DC 20002
(8:00 A.M. – 7:00 P.M.)

For security purposes, hand-delivered or messenger-delivered documents will not be accepted if they are enclosed in an envelope. Any envelopes must be disposed of before entering the building. Hand deliveries must be held together with rubber bands or fasteners.

Appeals may also be submitted to the FCC electronically, either by the Electronic Comment Filing System (ECFS) or by fax. The FCC recommends filing with the ECFS to ensure timely filing. Instructions for using ECFS can be found on the ECFS page of the FCC web site. Appeals to the FCC filed by fax must be faxed to 202-418-0187. Electronic appeals will be considered filed on a business day if they are received at any time before 12:00 A.M. (midnight), Eastern Standard Time. Fax transmissions will be considered filed on a business day if the complete transmission is received at any time before 12:00 A.M.

John Jennings
Vice President – Controller
Big River Telephone Company
March 5, 2004
Page 4

Please be sure to refer to CC Docket No. 96-45 on all communication with the FCC. The appeal must also provide your company's name and Filer ID, plus necessary contact information, including the name, address, telephone number, fax number, and e-mail address of the person filing the appeal. Unless the appeal is by ECFS, please include a copy of the decision at issue.

Sincerely,

USAC

Universal Service Administrative Company

cc: Diane Law Hsu, FCC Wireline Competition Bureau
James Shook, FCC Enforcement Bureau

BIG RIVER

24 S. Minnesota Ave. P.O. Box 1659 Cape Girardeau, MO 63702-1659 (573) 651-3373 (800) 455-1608

April 7, 2004

Federal Communications Commission
Office of the Secretary
455 - 12th Street, SW
Room TW-A325
Washington, DC 20554

To Whom It May Concern:

In the matter of: Request for Review by Big River Telephone Company, LLC of Decision of Universal Service Administrator in reference to FCC Docket Nos. 97-21 and 96-45.

Our dispute concerns a USAC adjustment of \$158,887.09 related to revenues for 2001 as presented to Big River Telephone Company, LLC (Filer #821170) per the USAC letter dated July 22, 2002. Please see the attached letter.

We are disputing this charge since the debt is incumbent upon the prior owner, Long Distance Discount Inc. (Ed Eagleton, ELE Inc.) and not Big River Telephone Company LLC. Big River purchased the assets of Long Distance Discount on 12/21/2001 and this debt relates to revenues collected prior to the purchase. Big River did not purchase the liabilities of Long Distance Discount.

Big River Telephone filed the 499a for the revenue year of 2001 on behalf of Long Distance Discount which resulted in this adjustment. Big River Telephone has filed all required forms and has paid on a timely basis for all periods in which Big River Telephone was responsible for USF liabilities.

Big River Telephone has attempted on multiple occasions to get Long Distance Discount to pay USAC the amount they owe of \$158,887.09, but has been unsuccessful. Big River Telephone has filed a lawsuit against the prior owner, in part, to collect this debt directly from Long Distance Discount in order to pay USAC/FCC (\$47,371.18 remains with USAC and \$111,515.91 has been transferred to the Federal Communications Commissions (FCC)). The litigation is still pending.

In summary, we are appealing the adjustment of \$158,887.09 since it is the obligation of Long Distance Discount (ELE Inc.) and not Big River Telephone. Big River Telephone has paid USAC for USF that we owe.

Respectfully,



John Jennings
Vice President - Controller
24 S. Minnesota Ave.
Cape Girardeau, MO 63703
573-651-3373 Ext 119
314-651-6868 Cell
jjennings@bigrivertelephone.com

cc: Tim Peterson, Federal Communications Commission (FCC)